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Attorneys for Respondents

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TARLOCHAN SINGH,)	No. C 07-04217 MJJ
)	
Petitioner,)	
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary of the)	DECLARATION OF MELANIE PROCTOR
Department of Homeland Security; PETER)	
D. KEISLER,* Attorney General;)	
DAVID N. STILL, Director)	
U.S. Citizenship and Immigration Services,)	
San Francisco District Office,)	
)	
Respondents.)	
)	

I, Melanie Proctor, declare and state as follows:

1. I am employed by the United States Attorney's Office, Northern District of California, as an Assistant United States Attorney. My current employment address is 450 Golden Gate Avenue, Box 36055, San Francisco, California, 94102. I am the attorney assigned to the above-captioned matter.

2. On October 4, 2007, I was notified that Petitioner's I-130 petition had been approved, and provided with the attached approval notice. A true and correct copy of the approval notice is

*Pursuant to Fed. R. Civ. P. 25(d)(1), Peter D. Keisler is substituted for his predecessor, Alberto Gonzales, as the United States Attorney General.

PROCTOR DECLARATION
No. C 07-04217 MJJ

1 attached to this declaration as Exhibit A.

2 3. I unsuccessfully attempted to contact Petitioner by facsimile, at the number provided
3 on the Complaint.

4 4. Using my telephone, I dialed the fax number. Upon doing so, I heard a male voice
5 inform callers to dial his home telephone number, (714) 476-9992.

6 5. Upon dialing the home telephone number, the same voice began speaking on the
7 answering message, and stated that callers should call his cell phone number, at (415) -. Before I
8 could record the rest of the number, a woman answered the phone and interrupted the message.

9 7. The woman who answered the phone asked me whether I was calling for "Gupta."
10 I stated that I wished to speak with Tarlochan Singh. She was unable to provide me with the cell
11 phone number I had attempted to record, and instead informed me that I should call again after
12 business hours.

13 8. On October 4, 2007, I sent a letter to Tarlochan Singh, to the address provided on the
14 Complaint. In that letter, I requested that he stipulate to dismissal of the Complaint as moot. To
15 date, I have not received any telephone calls or correspondence from Mr. Singh in regard to this
16 matter.

17 Signed under penalty of perjury this 15th day of October, 2007, in San Francisco, California.

18
19 /s/
MELANIE L. PROCTOR

EXHIBIT A

U.S. Department of Homeland Security
630 Sansome Street
San Francisco, CA 94111



U.S. Citizenship
and Immigration
Services

NOTICE OF APPROVAL OF I-130 Petition for Alien Relative

NAME AND ADDRESS OF PETITIONER

Shiro Mani Prasad
1024 Petaluma Avenue
Modesto, CA 95351

NAME OF BENEFICIARY:

Tarlochan Singh

CLASSIFICATION:

201(b) Spouse

FILE NUMBER:

A76 680 092

DATE PETITION FILED:

March 1, 2001

DATE OF APPROVAL OF PETITION:

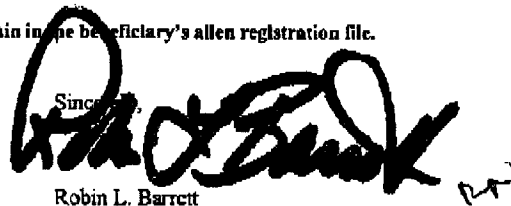
October 4, 2007

DATE: October 4, 2007

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Eligibility for visa issuance is determined only when application therefore is made to a consular officer; eligibility for admission or adjustment is determined only when application therefore is made to an immigration officer. Also, please note the items marked below concerning your petition:

1. ☐ YOUR PETITION TO CLASSIFY THE BENEFICIARY AS AN IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN HAS BEEN FORWARDED TO THE NATIONAL VISA CENTER (NVC). THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THE UNITED STATES CONSULATE, WHICH IS UNDER THE SUPERVISION OF THE DEPARTMENT OF STATE, WILL ADVISE THE BENEFICIARY CONCERNING VISA ISSUANCE. *Inquiry concerning visa issuance should be addressed to the NVC. This Service will be unable to answer any inquiry concerning visa issuance.*
2. ☐ IF YOU BECOME NATURALIZED AS A CITIZEN OF THE UNITED STATES AND AN IMMIGRANT VISA HAS NOT YET BEEN ISSUED TO THE BENEFICIARY, NOTIFY THIS OFFICE IMMEDIATELY, GIVING THE DATE OF YOUR NATURALIZATION. AT THE SAME TIME, IF THE PETITION WAS IN BEHALF OF YOUR SON OR DAUGHTER, ALSO ADVISE WHETHER THAT PERSON IS STILL UNMARRIED. THIS INFORMATION MAY EXPEDITE THE ISSUANCE OF A VISA TO THE BENEFICIARY.
3. ☐ YOUR PETITION FOR PREFERENCE CLASSIFICATION, AS SHOWN ABOVE, HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT _____. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THIS SERVICE HAS NOTHING TO DO WITH THE ACTUAL ISSUANCE OF VISAS. VISAS ARE ISSUED ONLY BY UNITED STATES CONSULS WHO ARE UNDER THE JURISDICTION OF THE U.S. DEPARTMENT OF STATE. UNDER THE LAW ONLY A LIMITED NUMBER OF VISAS MAY BE ISSUED BY THAT DEPARTMENT DURING EACH YEAR AND THEY MUST BE ISSUED STRICTLY IN THE CHRONOLOGICAL ORDER IN WHICH PETITIONS WERE FILED FOR THE SAME CLASSIFICATION. WHEN THE BENEFICIARY'S TURN IS REACHED ON THE VISA WAITING LIST, THE UNITED STATES CONSUL WILL INFORM HIM AND CONSIDER ISSUANCE OF THE VISA. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to answer any inquiry concerning visa issuance.*
4. ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE APPLICATION FOR THIS PURPOSE (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED BY THE BENEFICIARY WITHIN 30 DAYS IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED THEREIN. (IF THE BENEFICIARY HAD PREVIOUSLY SUBMITTED FORM I-485 WHICH WAS RETURNED TO HIM, HE SHOULD RESUBMIT THAT FORM WITHIN 30 DAYS.)
5. ☐ THE BENEFICIARY WILL BE INFORMED OF THE DECISION MADE ON HIS/HER PENDING APPLICATION TO BECOME A LAWFUL PERMANENT RESIDENT (FORM I-485).
6. ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. HOWEVER, AN IMMIGRANT VISA NUMBER IS NOT PRESENTLY AVAILABLE, THEREFORE, THE BENEFICIARY MAY NOT APPLY TO BECOME A PERMANENT RESIDENT.
7. ☐ ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES THEREOF HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ANY OTHERS ARE RETURNED HERewith.
8. ☒ REMARKS: Beneficiary is in removal proceedings. The approved I-130 will remain in the beneficiary's alien registration file.

cc: Viney Gupta, Esq.
Box 6801
Orange, CA 92863


Robin L. Barrett
Field Office Director